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**Sent via Electronic Comment Filing System**

July 29, 2005

Federal Communications Commission  
445 12<sup>th</sup> Street, SW.  
Washington, DC 20554

Re: CG Docket No. 02-278; DA 05-1346

Dear Sir or Madam:

Bank of America Corporation ("Bank of America") welcomes the opportunity to comment on the petition for declaratory ruling ("Petition") published by the Federal Communications Commission ("Commission"), regarding the scope of the Commission's jurisdiction over interstate telemarketing calls under the Telephone Consumer Protection Act ("TCPA"). Bank of America is one of the world's largest financial institutions, serving individual consumers, small businesses and large corporations with a full range of banking, investing, asset management and other financial and risk-management products and services. The company provides unmatched convenience in the United States, serving 33 million consumer relationships with 5,800 retail banking offices, more than 16,000 ATMs and award-winning online banking with more than eleven million active users.

Bank of America supports the position taken in the Petition that the TCPA grants the Commission exclusive jurisdiction over *interstate* telemarketing calls, thereby leaving no jurisdiction over such activity with the states. However, many states have passed laws that purport to cover all telemarketing activity to their residents, whether intrastate or interstate, many of which are inconsistent with the regulations promulgated by the Commission. Bank of America conducts interstate telemarketing activities, and currently is faced with many competing state laws regarding these activities that significantly hamper its activities.

We have previously expressed support for the national Do Not Call Registry and a consistent uniform national standard to apply to telemarketing activity. Bank of America believes that the jurisdictional approach taken in the Petition is both legally correct and also presents the only practical and equitable solution to the difficult and burdensome problem of a growing number of multiple incompatible state laws that attempt to regulate interstate telemarketing. Therefore, we strongly urge the Commission to issue a ruling declaring the Commission's exclusive regulatory jurisdiction over interstate telemarketing calls and barring the state regulation of such calls.

Bank of America appreciates the opportunity to comment on the Petition. If you have any questions regarding our comments, please contact Kathryn D. Kohler, Assistant General Counsel, at (704) 386-9644.

Very truly yours,

***Kathryn D. Kohler***

Kathryn D. Kohler  
Assistant General Counsel